

## **1.1 INTRODUCTION**

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), is preparing this Draft Environmental Impact Statement (DEIS) in accordance with the National Environmental Policy Act (NEPA) for the Portageville Bridge Project (the Project). The Portageville Bridge (also known as the Portage High Bridge) spans the Genesee River between Wyoming and Livingston Counties within Letchworth State Park and serves rail freight operated by Norfolk Southern Railway Company (Norfolk Southern) along its Southern Tier route. The Project would improve the rail crossing of the Genesee River on the Southern Tier route, so that the crossing meets modern freight rail standards necessary to maintain safe and efficient goods movement. This needed improvement would protect the long-term viability of New York State's freight rail network.

FHWA and NYSDOT, as the joint lead agencies, prepared this DEIS in accordance with the NYSDOT *Project Development Manual*, NYSDOT *Procedures for Implementation of State Environmental Quality Review* (17 NYCRR [New York Codes, Rules and Regulations] Part 15), and FHWA regulations *Environmental Impact and Related Procedures* (23 CFR [Code of Federal Regulations] Part 771). The Project is classified as a State Environmental Quality Review Act (SEQRA) non-Type II action, indicating that it has the potential for significant environmental impacts or substantial controversy on environmental grounds that should be evaluated under SEQRA. In accordance with 17 NYCRR Part 15, the NEPA and SEQRA processes for this Project are being coordinated; therefore, NYSDOT and other New York State agencies undertaking a discretionary action for this Project have no obligation to prepare an additional EIS under SEQRA. NYSDOT will give full consideration to the federal Final EIS (FEIS) and will prepare a Record of Decision in accordance with Section 15.9 of 17 NYCRR Part 15.

Based on the proposed funding and regulatory approvals initially anticipated for the Project, a DEIS was previously prepared pursuant to SEQRA, with NYSDOT as the lead agency. The SEQRA DEIS was published in November 2012, with a public review period held from November 26, 2012 through February 1, 2013 and a public hearing held in January 2013. In July 2013, it was determined that federal Congestion Mitigation and Air Quality improvement program (CMAQ) funds could be made available to support construction of the Project. As a federal funding program, the allocation of CMAQ funds requires involvement of a federal transportation agency and therefore also requires review under federal environmental review procedures. The Federal Highway Administration (FHWA) has assumed the role of federal lead agency for the environmental review of the Project pursuant to the National Environmental Policy Act of 1969 (NEPA). FHWA and NYSDOT are the NEPA joint lead agencies and NYSDOT is the SEQRA lead agency for this Project.

Although the previous SEQRA DEIS incorporated components of NEPA to support requirements associated with any federal approvals, and although the NEPA and SEQRA processes are similar, the environmental review process has been reinitiated under NEPA to meet procedural requirements associated with receipt of federal funding. Since the Project has not changed substantially (but has been refined based on public and agency comments), this NEPA DEIS incorporates the analyses from the previous DEIS as appropriate. The NEPA DEIS also incorporates additional analyses as required by the NEPA process and to comply with other

federal procedures. The primary Project refinement presented in this DEIS is that, based on analyses presented in the SEQRA DEIS and input received during the SEQRA public review process, the NEPA scoping process, and during preparation of this NEPA DEIS, Alternative 5—New Bridge on Parallel Alignment/Convey Existing Bridge—was eliminated from further study in this DEIS. As discussed further in Chapter 3 of this DEIS, “Project Alternatives,” this DEIS evaluates the No Action Alternative (formerly referred to as Alternative 1) and the Preferred Alternative (formerly referred to as Alternative 4).

## **1.2 PROJECT CONTEXT / PURPOSE AND NEED**

### **1.2.1 Project Location**

Norfolk Southern provides rail freight service across New York State via its Southern Tier route. The Southern Tier route is a critical freight rail link between Buffalo and Binghamton, New York, and provides connections to Canada and the eastern seaboard of the United States. In addition to serving as a critical rail freight link for Norfolk Southern, the Southern Tier route is used by Canadian Pacific Railway and provides interchange connections to 11 short line railroads. The route also serves communities in western and southern New York State and northern and eastern Pennsylvania.

The Southern Tier route passes through Letchworth State Park in western New York, on right-of-way owned by Norfolk Southern but within the boundaries of the park. This right-of-way within the park boundaries includes the Portageville Bridge (Portage High Bridge), which provides the crossing over the Genesee River between Wyoming and Livingston Counties, at milepost 361.66 of the Southern Tier route. The bridge is a single-track, truss structure that spans approximately 819 feet across and is 245 feet above the Genesee River gorge. **Figure 1-1** shows the location of the Portageville Bridge.

The Southern Tier route is one of four Class I railroad routes in New York State and is the primary freight rail route between Buffalo and Binghamton. Class I railroads are railroad companies with annual operating revenues of more than \$433.2 million in 2011.<sup>1</sup> The routes used by Class I railroads represent the primary corridors in the nation’s freight rail network, and the Southern Tier route is a critical link in domestic and international goods movement. The Portageville Bridge is the Southern Tier’s crossing of the Genesee River between Wyoming and Livingston Counties and is critical to the operation of this freight corridor.

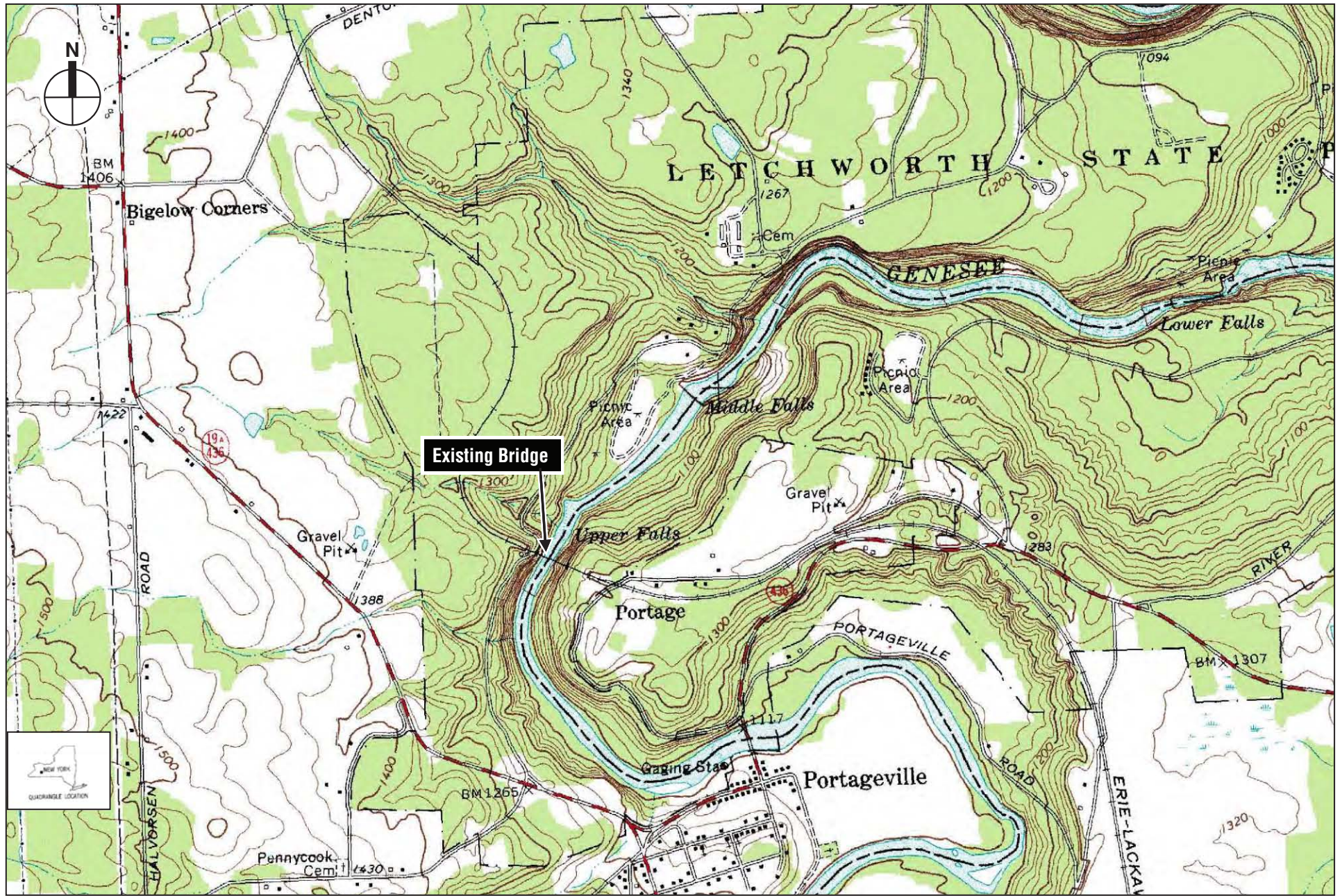
### **1.2.2 Transportation Conditions, Deficiencies, and Engineering Considerations**

The Portageville Bridge was constructed by the Erie Railway Company in 1875 to replace an earlier wooden bridge that opened to rail traffic in 1852 and was destroyed by fire in 1875. The bridge and the Southern Tier route became part of Conrail’s national freight network on April 1, 1976; Norfolk Southern began operating, pursuant to operating and lease agreements, the entire Southern Tier route, including the Portageville Bridge, on June 1, 1999. On August 27, 2004, Norfolk Southern acquired the route through merger.

Norfolk Southern has implemented repairs and/or improvements to bring the Southern Tier route to a state of good repair to support modern freight rail operations. These improvements included the replacement of three independent freight rail bridges along the corridor that provide distinct, localized benefits while contributing to improved overall performance on the route. In addition, as

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<sup>1</sup> The Surface Transportation Board defines railroads according to their annual operating revenues, adjusted for inflation. Class I railroads are those with adjusted operating revenues for three consecutive years of \$250 million or more (1991 dollars).



0 1000 2000 FEET

SCALE

Source: USGS Topographic Map - Portageville, NY Quadrangle  
 78°2'58" W, 42°34'40" N

PORTAGEVILLE BRIDGE

Project Location  
 Figure 1-1

required by the Rail Safety Improvement Act of 2008, Norfolk Southern will be implementing Positive Train Control on the Southern Tier route. The Project complements Norfolk Southern's initiatives to remove the various operational constraints on the Southern Tier route to achieve safe and efficient operations on a local and regional level.

The Portageville Bridge is a vital, yet currently deficient, component of the Southern Tier route. The bridge is at the end of its useful life as a freight rail structure, and as such, Norfolk Southern must substantially restrict the speed and tonnage of trains that cross the Genesee River. Without action to upgrade or replace the bridge, the crossing may need to be taken out of service. This would greatly impair Norfolk Southern's ability to operate on a substantial portion of the Southern Tier route and would negatively impact the economies of the many locations it serves.

The Portageville Bridge is more than 100 years old and is incapable of meeting the weight and speed standards of modern freight rail operations. The bridge's condition will not accommodate the weight of modern, industry-standard freight cars, and as such, Norfolk Southern operates trains at slower speeds (10 miles per hour/10 MPH) than elsewhere on the Southern Tier route. To effectively and efficiently serve its customers, Norfolk Southern seeks to operate industry-standard 286,000 pound car loads at speeds of 35 MPH on the Portageville Bridge. The Portageville Bridge is the only facility on the Southern Tier route that does not meet these industry standards for weight and speed.

In addition, because of its structural conditions, to maintain safe freight operations across the bridge, Norfolk Southern frequently inspects the Portageville Bridge, supplemented by continuous electronic monitoring and ongoing repairs. Since 1999, Norfolk Southern has spent over \$850,000 to maintain the bridge. As an aged, high-level bridge, the Portageville Bridge is difficult and dangerous to inspect, maintain, and repair. Furthermore, the inspections and repairs required to maintain the bridge may be difficult to implement without compromising operations. In 2009, Norfolk Southern closed the bridge for a three-day period to undertake emergency repairs. Subsequently, Norfolk Southern undertakes ongoing measures to monitor the integrity of the bridge, including weekly inspections and installing 24-hour vibration and stress monitors. Such measures are not currently necessary elsewhere on Norfolk Southern's system.

The Southern Tier route is a main line connecting Binghamton, New York and points east with Buffalo, New York and points west. As noted above, the Southern Tier route is a critical link in domestic and international goods movement and provides Class I railroad service. Norfolk Southern's mainline freight rail operations and those of other similar freight rail carriers call for a load-carrying capacity of 286,000 pound freight cars. To meet this standard, bridges are designed for Cooper E80 live load. The live load refers to individual and cumulative ability of bridge members (i.e., truss members, tower members, etc.) to support the weight of the moving vehicles that use it. A load rating analysis of the Portageville Bridge determined its overall strength rating to be Cooper E29, or 64 percent less live load capacity than a Cooper E80 rated bridge. Thus, to safely use the bridge, Norfolk Southern must operate trains at speeds and weight limits substantially below Cooper E80 capacity.

The Federal Railroad Administration (FRA) has nine classifications for the maximum allowable speed for freight and passenger rail operations. For mainline freight railroads, such as Norfolk Southern, FRA typically designates Class 4 speed restrictions, which permit freight operations at up to 60 MPH. Track geometry at the approaches to the Portageville Bridge would permit optimal speeds of 35 MPH; however, because of the bridge's structural condition and its load rating of the Portageville Bridge, Norfolk Southern has limited the speed of trains operating over the Portageville Bridge to 10 MPH. For trains in excess of a mile long, which is not uncommon, especially those traveling long distances—including international trains originating from Canada or the Midwest—the speed restriction greatly impacts transit times and causes congestion on the Southern Tier and other Norfolk Southern corridors.

In addition, the Portageville Bridge poses safety concerns related to the risk of trespassing by pedestrians, including park visitors, despite actions taken by Norfolk Southern to prohibit trespassing through preventative measures such as fencing and signage.

### **1.2.3 Project Goals**

With consideration of the deficiencies and engineering considerations described above, Norfolk Southern pursued a project to replace the existing bridge. In its investigation of options to replace the Portageville Bridge, Norfolk Southern identified the following four goals for the Project:

- 1) Eliminate operational constraints along the Southern Tier route caused by the existing Portageville Bridge;
- 2) Reduce the need for extensive ongoing maintenance and related costs of this crossing;
- 3) Optimize existing infrastructure at this location and planned improvements to the Southern Tier route as part of Norfolk Southern's overall operational strategy in New York and in this region of the country; and
- 4) Address the potential for trespassing on the Portageville Bridge by Letchworth State Park patrons.

### **1.2.4 Project Purpose and Need and Objectives**

The purpose of the Project is to address the existing deficiencies at the Portageville Bridge by providing a modern rail crossing of the Genesee River, at its current location, that is capable of carrying current industry standard freight rail loads, to the greatest degree possible meeting FRA Class 4 speeds, while reducing ongoing maintenance efforts and costs. The Project is needed for Norfolk Southern to continue to provide safe, reliable, and efficient rail operations on the Southern Tier route. These operations are critical to the economic viability and growth of the Southern Tier and other affected areas of New York.

In support of the Project's purpose and need, Norfolk Southern, NYSDOT, and FHWA have identified the following objectives for the Portageville Bridge Project:

- 1) Eliminate the structural deficiencies of the existing Portageville Bridge;
- 2) Address operational constraints along the Southern Tier route caused by the existing Portageville Bridge; and
- 3) Reduce the need for extensive ongoing maintenance costs related to the existing bridge.

The purpose, need, and objectives are the basis to determine the range of alternatives that have been developed and evaluated for the Portageville Bridge Project.

## **1.3 PROJECT ALTERNATIVES**

NEPA requires consideration of reasonable alternatives to a proposed project. Nine potential Project alternatives were developed during the SEQRA DEIS scoping process, as shown in **Table 1-1**. The SEQRA DEIS discussed potential alternatives that were considered and eliminated from further study based on a previous alternatives analysis, and studied additional alternatives in detail. All of the alternatives from the SEQRA DEIS, including those that were considered and eliminated from detailed study, were presented to the public during the NEPA scoping phase. Using the previous analyses conducted for the SEQRA DEIS, and in consideration of public and agency input received during development and review of the SEQRA DEIS and in the NEPA scoping phase, a number of potential alternatives were eliminated from further study in this NEPA DEIS. Based on that evaluation, this NEPA DEIS identifies a Preferred Alternative for the Project.

The first potential alternatives to be eliminated were those that clearly would not meet the Project's purpose and need. The potential alternatives that remained were then evaluated to identify those that would best meet the Project purpose and need, and would also be reasonable in terms of engineering considerations, cost effectiveness, and environmental impacts. Based on the alternatives evaluation, seven potential Build alternatives were eliminated from further consideration in this DEIS (see Chapter 3, "Project Alternatives.")

**Table 1-1**  
**Potential Alternatives for the Genesee River Crossing**

Alternative	Description
1	<b>No Action Alternative</b> Minimal capital investment to continue operation of the bridge to the extent feasible; would not meet the purpose and need for the Project and unlikely to keep bridge operational indefinitely.
2	<b>Repair / Retrofit Existing Bridge</b> Repair to meet current standards; requires closure of bridge for 18 months and would not greatly improve rail operations; does not meet Project purpose and need.
3	<b>New Bridge on Same Alignment</b> Remove old bridge and build new bridge in its place; requires closure of crossing for 18 to 31 months with related cost and operational impacts to Norfolk Southern; determined to be unreasonable.
4	<b>New Bridge on Parallel Alignment / Remove Existing Bridge</b> New bridge 75 feet south of existing bridge; selected as Preferred Alternative and evaluated in this DEIS.
5	<b>New Bridge on Parallel Alignment / Convey Existing Bridge</b> New bridge 75 feet south of existing bridge with old bridge retained; however, no suitable entity has been identified that is willing to take ownership of the existing bridge and the alternative would result in greater adverse visual impacts than the Preferred Alternative; this alternative was determined to be unreasonable.
6	<b>Southern Alignment / Remove Existing Bridge</b> New 4.5-mile-long rail route outside the park, costing \$250 million, with land use impacts and acquisition of approximately 54 acres; would not meet the purpose and need of the Project.
7	<b>Southern Alignment / Convey Existing Bridge</b> New 4.5-mile-long rail route outside the park with old bridge retained, costing \$250 million, with land use impacts and acquisition of approximately 54 acres; no suitable entity has been identified that is willing to take ownership of the existing bridge; the alternative would not meet the Project purpose and need.
8	<b>Reroute Rail Traffic / Remove Existing Bridge</b> Shift rail freight traffic off most of Southern Tier route to avoid need for Genesee River crossing; would not meet the Project purpose and need.
9	<b>Reroute Rail Traffic / Convey Existing Bridge</b> Shift rail freight traffic off most of Southern Tier route to avoid need for Genesee River crossing and retain old bridge; no suitable entity has been identified that is willing to take ownership of the existing bridge; the alternative would not meet the Project purpose and need.

This DEIS evaluates the remaining Build alternative, which is the Preferred Alternative (Alternative 4, New Bridge on Parallel Alignment / Remove Existing Bridge) in comparison to the No Action Alternative (Alternative 1), which serves as the baseline for the evaluation of the potential impacts.

### 1.3.1 No Action Alternative

The No Action Alternative assumes that the existing Portageville Bridge will remain in service and will be subject only to required maintenance. The No Action Alternative would involve

minimal capital investment to continue operation of the bridge to the extent feasible. Norfolk Southern would continue its program of frequent inspections and continuous monitoring, including weekly inspections, 24-hour monitoring of vibration and fatigue, and necessary repairs. The existing speed and load restrictions on the bridge would remain in place, with trains operating at 10 MPH across the bridge, and although pedestrian access would continue to be prohibited by Norfolk Southern, safety concerns related to the risk of trespassing would remain. Given the age of the bridge, it is anticipated that it would eventually be deemed unsafe for continued freight operations. At that time, the bridge would be closed to rail traffic and would remain in situ without substantial further enhancements or alteration. Without a bridge across the Genesee River, Norfolk Southern would either have to 1) eliminate rail freight service to several locations and for several customers, and reroute trains over other routes maintained by other railroads, which is logistically complex and would add five-hour service delays; and/or 2) cease using the Southern Tier route altogether, which would result in the loss of customers and routes. This alternative would not meet the Project's purpose and need, but it is carried forward to serve as the baseline for evaluating the potential impacts of the Preferred Alternative.

### **1.3.2 Preferred Alternative**

FHWA and NYSDOT have selected Alternative 4 (New Bridge on Parallel Alignment / Remove Existing Bridge) as the Preferred Alternative for the project. The Preferred Alternative would result in a new rail freight bridge built to support existing and anticipated future rail freight operations on the Southern Tier route. The new structure would be a single-track, 900-foot-long bridge. The centerline of the new bridge would be located approximately 75 feet south of the centerline of the existing bridge. The relocation of the bridge to the south would require a realignment of the railroad as it approaches the crossing from the east and from the west. New approach tracks would be laid approximately 1,200 feet east and 1,200 feet west of the existing bridge. Norfolk Southern would acquire approximately 2.71 acres of new right-of-way to realign the tracks. Approximately 1.95 acres of the new right-of-way are currently part of Letchworth State Park. The remaining 0.76 acres would be acquired from a private land owner. In addition, Norfolk Southern would obtain a permanent easement from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in a 0.21-acre area adjacent to the existing embankment where access for ongoing slope stabilization is required.

In addition to these permanent acquisitions, Norfolk Southern would seek temporary easements for a total of 1.55 acres of Letchworth State Park for construction staging and to construct certain improvements to park facilities affected by the Project, as discussed later in this chapter.

The new bridge would be built to meet industry weight standards (the Cooper E80 live load, which allows a load-carrying capacity of 286,000-pound freight cars). It would also be built to accommodate the potential wind load associated with double-stack train cars. The bridge would accommodate trains operating at 35 MPH, instead of the current speed of 10 MPH (the bridge itself would accommodate speeds of up to 60 MPH, but Norfolk Southern anticipates an operating speed of 35 MPH because of the curvature on approach tracks and the location of the facility within Letchworth State Park). As with the existing bridge, pedestrian access would be prohibited on the new bridge. Fencing, signage, and/or other safety devices would be implemented to discourage trespassing on the railroad right-of-way and new river crossing.

The new bridge would be an arch bridge, which was identified as the most suitable bridge type for rail freight traffic in this location. The arch requires less structure within the gorge than other bridge types and would result in less obstructed views of the river. Furthermore, erecting the arch by cantilevering the spans would lessen impacts on the gorge during construction. On each side of the river, there would be approach bridge spans leading to the main steel arch span over the gorge. These spans would be steel multi-girder superstructures supported on concrete piers.

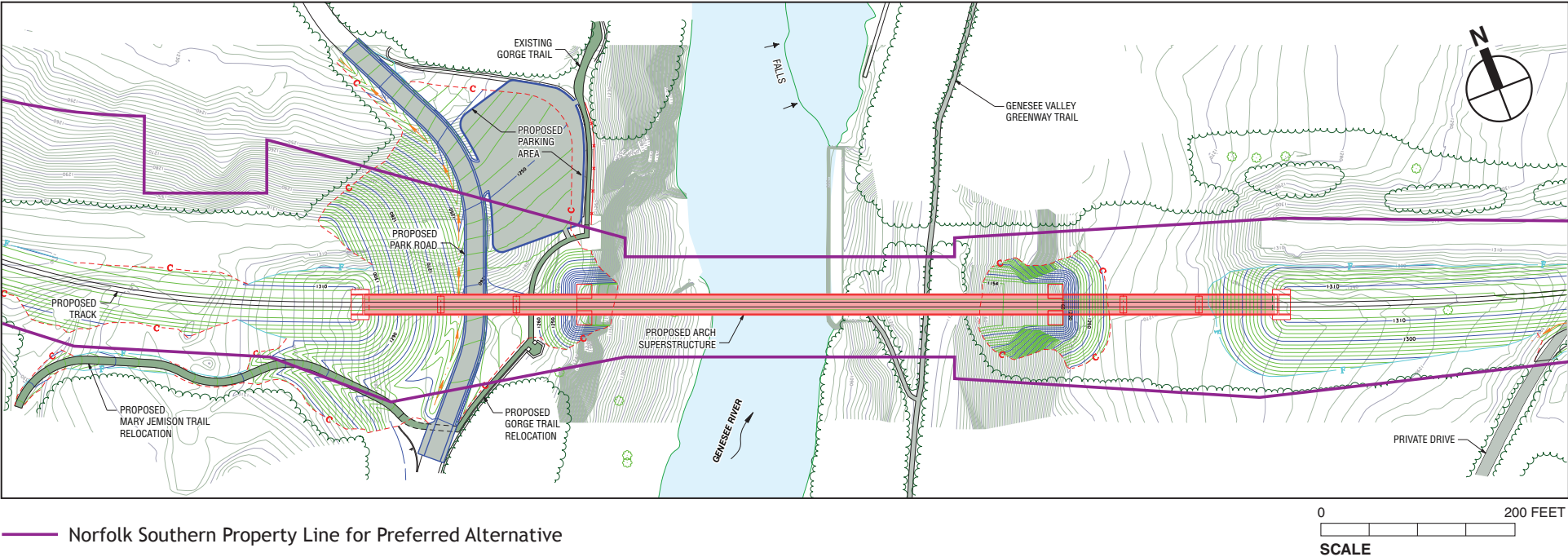
With the Preferred Alternative, a portion of existing Park Road would be relocated to make space for the new bridge structure's foundations, and a small parking area (Highbridge Parking Area) would be relocated from an area south of the existing bridge within Norfolk Southern's right-of-way to parkland north of the right-of-way. In addition, the trailheads for two trails, the Gorge Trail (shown on park maps as Trail #1) and the Mary Jemison Trail (Trail #2), would be relocated from Norfolk Southern property to park property.

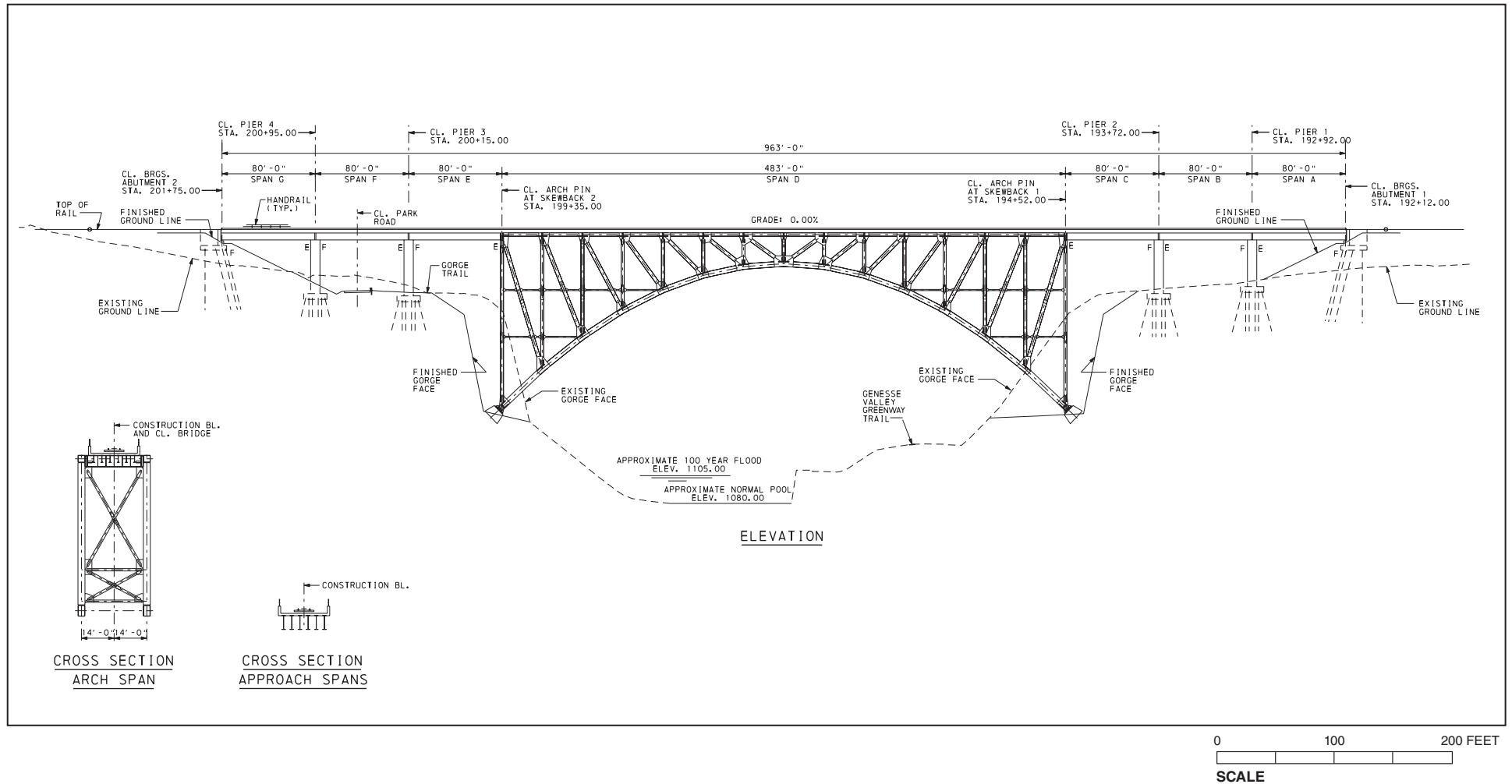
The existing bridge would remain operational during construction. Following construction, the existing bridge, piers, and unused track would be removed. After construction of the new bridge and removal of the old bridge are complete, approximately 2.33 acres of the existing right-of-way encompassing the old railroad right-of-way location would be conveyed to OPRHP for inclusion in the park.

**Figure 1-2** provides a plan view of the Preferred Alternative and **Figure 1-3** shows the new bridge profile.

## **1.4 SOCIAL, ECONOMIC, AND ENVIRONMENTAL EFFECTS**

This DEIS considers the full range of environmental effects of the Preferred Alternative. **Table 1-2** summarizes the findings of the environmental analyses.





**Table 1-2**  
**Summary of Effects of the Preferred Alternative**

Environmental Category	Impacts	Measures to Mitigate Impacts
Land Use	The Preferred Alternative would shift the railroad right-of-way slightly to the south, requiring use of some land that is currently parkland and vacant rural land. To compensate for the loss of parkland, Norfolk Southern would transfer existing railroad right-of-way to New York State to be added to the park. A small amount of private property would also be acquired and private property owners would be compensated accordingly. These changes would not adversely affect land use in the park or surrounding area.	See discussion in Sections 1.8 and 1.9 below related to measures to minimize harm to parkland in accordance with the requirements of Section 4(f) of the U.S. Department of Transportation Act of 1966 and Section 6(f) of the federal Land and Water Conservation Fund Act.
Neighborhood and Community Cohesion	None	None
Social Groups Benefited or Harmed	None	None
Schools, Recreational Areas, and Places of Worship	No effects to schools or places of worship. See "Parklands and Recreational Resources" below.	None
Regional and Local Economies	The Project would address deficiencies of the existing bridge and support the long-term viability of the state's freight rail network by providing a safe and efficient crossing of the Genesee River.	None
Business Districts	None	None
Specific Business Impacts	None	None
Wetlands	Placement of fill in a 0.03-acre portion of a 0.09-acre freshwater wetland (Wetland A).	Impacts to this wetland have been minimized to the extent possible and ecological functions of the remaining 0.06-acre portion of this wetland, including hydrological connections to other waters, will be maintained. Construction will be conducted in accordance with permit conditions and disturbed areas around the wetland will be restored with native vegetation.
Surface Waterbodies and Watercourses	Construction activities for the new bridge would occur outside of the stream bed and banks of the Genesee River. Removal of the existing bridge piers from the river would return the river to its natural, free-flowing condition, a long-term benefit to the river.	To minimize the potential for erosion during construction, soil erosion measures will be implemented as part of a Stormwater Pollution Prevention Plan (SWPPP). Mitigation measures, such as turbidity curtains, will be used to minimize potential effects on water quality of the Genesee River during removal of the piers from the river.

**Table 1-2 (Continued)**  
**Summary of Effects of the Preferred Alternative**

<b>Environmental Category</b>	<b>Impacts</b>	<b>Measures to Mitigate Impacts</b>
Wild and Scenic Rivers	The Genesee River is protected by the federal Genesee River Protection Act of 1989 as a federal Wild and Scenic Study River, is on the federal Nationwide Rivers Inventory, and is a designated New York State Scenic River. The Project would improve the free-flowing condition of the river by removing the existing bridge piers from the river. See "Visual Resources," "General Ecology and Wildlife Resources," and "Historic and Cultural Resources," below for discussion of effects on other qualities recognized by the river's designation under federal and state law.	Measures to mitigate effects related to natural resources, water quality, and visual resources will be implemented (see discussion under "Wetlands," "Surface Waterbodies and Watercourses," "General Ecology and Wildlife Resources," "Historic and Cultural Resources," and "Visual Resources." The use of an arch structure for the new bridge would avoid construction of in-water supports, allow the river to return to free-flowing conditions, and enhance natural views in the gorge.
Navigable Waters	The Genesee River is considered navigable water by the U.S. Army Corps of Engineers (USACE), but the new bridge would not affect use of the river for navigation.	Construction will be conducted in accordance with the terms of a permit obtained from the USACE for work in a navigable waterway.
Floodplains	None	None
Coastal Resources	None	None
Groundwater Resource, Aquifers, and Reservoirs	If dewatering is required for construction of the new alignment, discharge of water would be conducted in accordance with applicable requirements.	None
Stormwater Management	The Project would involve relocation of stormwater drainage features in the vicinity of the new bridge. Design of the new system would be coordinated with OPRHP.	A SWPPP would be developed and implemented that will include erosion and sediment control measures.
General Ecology and Wildlife Resources	The Project's operation is not expected to result in significant adverse impacts on ecological resources. The new rail right-of-way and bridge would require clearing of approximately 3 acres of forest and disturbance to approximately 1.1 acres of shale cliff and talus slope, which are relatively small in relation to the similar available habitat nearby and are edge communities that are already disturbed. Disturbed areas that would not be occupied by the Project would be restored according to a habitat restoration plan. Potential impacts to ecological resources during construction are described below. Continued operation of rail freight service on the railroad right-of-way through the park would not adversely affect ecology or wildlife once the Project is complete.	A habitat restoration plan, developed in coordination with OPRHP and the New York State Department of Environmental Conservation (NYSDEC), will be implemented after construction. It would include provisions for invasive and native nuisance weeds species management.
Critical Environmental Areas	None	None

**Table 1-2 (Continued)**  
**Summary of Effects of the Preferred Alternative**

Environmental Category	Impacts	Measures to Mitigate Impacts
Historic and Cultural Resources	<p>The Preferred Alternative would result in an Adverse Effect on Letchworth State Park, which is listed on the State and National Registers of Historic Places (S/NRHP), because it would involve removing or altering a number of contributing elements to the park's S/NRHP listing. Specifically, it would involve demolishing the existing Portageville Bridge and permanently altering other contributing resources of Letchworth State Park, including the Gorge and Mary Jemison Trails, Highbridge Parking Area and Historic Marker, Park Road, and fieldstone walls, either through removal, relocation or modification.</p>	<p>Measures to mitigate adverse effects on historic properties have been developed through extensive consultation among Norfolk Southern, OPRHP, the State Historic Preservation Office (SHPO), FHWA, NYSDOT, affected Native American tribes, and other Consulting Parties established in accordance with Section 106 of the National Historic Preservation Act. These will be set forth in a Memorandum of Agreement (MOA) and will include:</p> <ul style="list-style-type: none"> <li>• An Avoidance Plan and staging area limitations to prevent disruption to archaeological sites; a construction protection plan to prevent accidental damage to historic features near the construction zone</li> <li>• Educational and interpretive materials in Letchworth State Park, including kiosks and salvaged materials from the existing bridge</li> <li>• Historic American Engineering Record recordation of the existing bridge</li> <li>• Restoration of portions of Gorge Trail</li> </ul>

**Table 1-2 (Continued)**  
**Summary of Effects of the Preferred Alternative**

Environmental Category	Impacts	Measures to Mitigate Impacts
Parks and Recreational Resources	<p>The Preferred Alternative would result in minor changes to park features in the area near the new bridge. A segment of Park Road near the new bridge would be shifted westward to make space for the new bridge's foundations at the top of the gorge. The Highbridge Parking area would be moved to the north side of the bridge, and the trailheads of the Gorge Trail (Trail #1) and Mary Jemison Trail (Trail #2) would be shifted slightly. The changes to these park features would not affect their recreational function or adversely affect park visitors' experience when using these features.</p> <p>Norfolk Southern would permanently acquire approximately 1.95 acres of parkland to accommodate the shifted alignment and another 0.38 acres of parkland would be used for the project's entire construction period and then returned to the park (see "Construction Effects" below). To compensate for this use of parkland, Norfolk Southern would convey to OPRHP for inclusion in the park approximately 2.33 acres of former railroad right-of-way.</p> <p>As part of the Project, a new, larger Highbridge Parking Area would be created and Park Road would be straightened in an area that is currently prone to erosion and has limited sight distances for motorists. (<i>Cont'd below</i>)</p>	<p>In accordance with the requirements of Section 6(f) of the Land and Water Conservation Fund Act, Norfolk Southern will transfer to OPRHP land to be incorporated into the park to compensate for parkland that must be used by the Project.</p> <p>Other measures will also be implemented during construction (see below), some of which would result in permanent benefits to the park. These include restoration of portions of Gorge Trail and creation of a new Castile Entrance to the park.</p> <p>See discussion in Sections 1.8 and 1.9 below related to measures to minimize harm to parkland in accordance with the requirements of Section 4(f) of the U.S. Department of Transportation Act of 1966 and Section 6(f) of the federal Land and Water Conservation Fund Act.</p>
Parks and Recreational Resources ( <i>Cont'd</i> )	<p>Removal of the existing bridge would adversely affect visual resources of Letchworth State Park (see "Visual Resources" section below), but the new bridge's arch structure and removal of the old bridge's supports would enhance natural views.</p> <p>Operation of trains at higher speeds across the new bridge would result in moderate noise impacts at locations within the park in the immediate vicinity of the bridge.</p>	
Visual Resources	<p>Removal of the existing bridge would result in an adverse impact on visual resources in Letchworth State Park. The bridge currently contributes to the scenic qualities of the park and is an iconic feature on park memorabilia. However, the new arch bridge structure would enhance views of the river as the existing bridge supports within the river gorge would be removed.</p>	<p>The new bridge's location close to the existing bridge would minimize the potential for adverse impacts on the park that might occur if the bridge were placed in a new location.</p> <p>Use of an arch bridge to enhance natural views of the gorge.</p> <p>Drape netting will be used on newly exposed rock areas to minimize the visibility of excavation.</p>
Farmlands	<p>No land within the Project site is presently farmed and no impacts to agricultural land would occur as a result of the Project.</p>	None

**Table 1-2 (Continued)**  
**Summary of Effects of the Preferred Alternative**

<b>Environmental Category</b>	<b>Impacts</b>	<b>Measures to Mitigate Impacts</b>
Air Quality	A regional benefit is expected as increased speeds and loads may reduce demand for freight movement by truck.	None
Energy and Green House Gases	A long-term benefit is expected as increased speeds and loads may reduce demand for freight movement by truck.	None
Noise	The increased speeds of trains across the new bridge (35 MPH rather than 10 MPH) would increase train-related noise levels at locations in the park closest to the bridge and at the residences on Portageville Road close to the tracks, resulting in a barely discernible increase in noise. According to criteria used by the Federal Transit Administration (FTA) and FRA for evaluation noise impacts of projects, the increase in average noise levels that would result from the faster speed of the trains would constitute a "moderate" noise impact. The FTA/FRA criteria define a moderate impact as a change in noise level occurs that is noticeable to most people.	None
Asbestos	If asbestos containing materials (ACM) are present in the existing bridge or in the approaches (e.g., associated with existing utility lines), the demolition of the bridge would disturb the ACM.	All applicable regulations will be followed if ACM must be disturbed.
Hazardous Waste and Contaminated Materials	Demolition of the existing bridge could encounter contaminated and hazardous materials (CHM), including lead-based paint and contaminated soils. Construction of the new bridge could encounter CHM in soils and in the vicinity of an abandoned transformer near the right-of-way.	A Project-specific Health and Safety Plan (HASP) would be followed to protect workers and the environment during construction.

**Table 1-2 (Continued)**  
**Summary of Effects of the Preferred Alternative**

Environmental Category	Impacts	Measures to Mitigate Impacts
Construction Effects	<p>Construction activities would result in temporary impacts to Letchworth State Park. During the Project's approximately 27-month construction period, a portion of Park Road, the Highbridge Parking Area, and a portion of the Gorge Trail #1 and Mary Jemison Trail #2 would be closed to the public. In addition, a portion of the Genesee Valley Greenway Trail #7 would be closed occasionally during construction to protect the safety of the public. OPRHP would also close Park Road from the Portageville Entrance to the construction zone, and from the construction zone to the Upper/Middle Falls Area turn-off for the duration of construction.</p> <p>Park visitors and employees who would normally use the Portageville Entrance would have to detour to the Castile Entrance instead, a detour that would add approximately 1 to 5 miles to the trip. The detour is not expected to result in notable declines in patronage to the businesses that operate in the park or adverse impacts on the businesses.</p> <p>Throughout construction, cranes and other large pieces of equipment would be visible to park visitors, which would adversely affect scenic views.</p> <p>Construction activities would also create noise that would be audible elsewhere in the park. Depending on the construction activity occurring, the noise could be audible at times at the Glen Iris Inn and its associated cottages and at cabins within a mile of the construction site.</p> <p>Construction activities would result in the disturbance to 1.1 acres of shale cliff and talus community, which may provide suitable habitat for the coast creeping moss, a critically imperiled species in New York State, and the loss of approximately 3 acres of forest habitat (approximately 750 trees that are greater than or equal to 3 inches in diameter at breast height).</p> <p>Construction activities could also result in disruption to wildlife species that use the area near the Project site, including a pair of bald eagles known to nest in the vicinity of the Project site, and two species of bats (northern long-eared bat, proposed for listing as federally endangered; eastern small-footed bat, New York State Special Concern) that have been known to hibernate within a mile of the Project site and may use trees near the Project site for roosting.</p>	<p>The Project will include a wide variety of mitigation measures during construction to limit the disruption to the extent practicable, including:</p> <ul style="list-style-type: none"> <li>• Provision of an upgraded entrance booth at the Castile Entrance.</li> <li>• Use of control measures during blasting to minimize rockfall into the Genesee River.</li> <li>• Use of drilled piles rather than driven piles to reduce noise.</li> <li>• Use of erosion and sediment control measures.</li> <li>• Use of turbidity curtains or other control measures for work in the river to remove the existing bridge piers.</li> <li>• Conducting tree clearing from October 31 to March 31 to avoid impacts to the northern long-eared bat and eastern small-footed bat.</li> <li>• Compliance with measures developed in coordination with the U.S. Fish and Wildlife Service (USFWS) as part of a permit pursuant to the federal Bald and Golden Eagle Protection Act to minimize disturbance to bald eagles that nest near the Project site. Measures may include limiting the noisiest activities during sensitive time periods and implementation of a monitoring plan to identify signs of disturbance.</li> <li>• Coordination with USFWS and NYSDEC regarding measures to minimize impacts to timber rattlesnakes during construction.</li> <li>• A tree planting and revegetation program developed in coordination with OPRHP and NYSDEC.</li> <li>• Use of protection measures to limit encroachment into the remaining 0.06-acre wetland area during construction.</li> <li>• Compliance with the terms of the Section 106 MOA to protect historic and cultural resources.</li> <li>• Coordination between Norfolk Southern and OPRHP to provide signage on the Genesee Valley Greenway Trail to inform users of the status of trail closures due to Project construction. <i>(Cont'd below)</i></li> </ul>

**Table 1-2 (Continued)**  
**Summary of Effects of the Preferred Alternative**

Environmental Category	Impacts	Measures to Mitigate Impacts
Construction Effects <i>(Cont'd)</i>		<ul style="list-style-type: none"> <li>• Implementation of a HASP to protect workers from possible CHM.</li> <li>• Use of erosion and dust control measures.</li> <li>• Repair of Park Road and Portageville Road after construction.</li> </ul>
Indirect Effects	By maintaining and improving operations on the Southern Tier route, the Project would avoid indirect adverse environmental effects associated with the loss of rail freight. In the long-term, it would reduce energy consumption and pollutant emissions by avoiding longer rail routings or increases to truck trips.	None
Cumulative Effects	None	
<b>Note:</b> Mitigation includes avoiding, minimizing, rectifying, reducing or eliminating, and compensating for impacts.		

## 1.5 COST AND SCHEDULE

The cost of the Preferred Alternative is estimated at \$67.5 million. Construction of the Preferred Alternative would take place over approximately 27 months, with tree clearing activities beginning in late 2014, and completion by the end of 2017. This schedule assumes that construction would occur over the entire year, although there may be times when inclement winter weather requires temporary shutdowns, which could lengthen the construction schedule.

## 1.6 PERMITS, APPROVALS, AND AGENCY COORDINATION

The Project's location and implementation requires coordination with a number of federal and state agencies with jurisdiction over parklands, waterways, and natural, ecological and historic resources. Pursuant to applicable federal law, federally regulated railroads operating in interstate commerce, including Norfolk Southern, are not required to obtain certain otherwise applicable regulatory approvals under local and state law.<sup>1</sup> Norfolk Southern intends to voluntarily comply with local and state law where doing so does not compromise railroad operations and needs.

The federal approvals required for the Project are subject to environmental review under NEPA. The project is classified as a NEPA Class I project in accordance with 23 CFR § 771.115, which requires an EIS to determine the likely impacts the project will have on the environment. The steps in the NEPA EIS process are (1) issuance of a Notice of Intent (NOI); (2) issuance of a Notice of Scoping (initiating the public comment period on the scope of the project); (3) publication of a DEIS consistent with NEPA and other applicable regulations and requirements; (4) public review of the DEIS, including a public hearing and period for public comments on the document; (5) publication of a FEIS that includes the comments and responses on the DEIS and any necessary revisions to address the comments; and (6) issuance of a Record of Decision (ROD).

FHWA and NYSDOT prepared a Coordination Plan that was distributed to federal and state agencies with potential jurisdiction over aspects of the Project. Consistent with and through that plan, FHWA and NYSDOT have identified and invited appropriate federal and state agencies to become Cooperating Agencies (i.e., those that have jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative) or Participating Agencies (agencies that do not have jurisdiction or special expertise, but that are interested in the project) for the Project. Those agencies, and their responsibilities as they pertain to the Project, are summarized in **Table 1-3** below.

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<sup>1</sup> In recognition of the importance of rail transportation to interstate commerce, Congress has enacted legislation providing that federally regulated railroads operating in interstate commerce are not subject to otherwise applicable local and state law and regulation. See Interstate Commerce Commission Termination Act of 1995 (ICCTA), 49 USC Section 10501 and the Federal Railway Safety Act of 1976 (FRSA), 49 USC Section 20101 *et seq.* In accordance with these and other similar federal laws, certain state and local regulation of railroads is preempted in order to ensure barriers to interstate commerce are not created. This includes local planning, zoning, and similar local and state laws and ordinances. While Norfolk Southern plans to voluntarily comply with such law when possible, there may be instances where compliance with such law and regulation is not compatible with rail operations and needs.

Table 1-3

**Lead and Invited Cooperating and Participating Agencies**

Agency	Role	Responsibilities
Federal Highway Administration (FHWA)	Federal Lead Agency	Manage environmental review process; prepare EIS and decision document; provide opportunity for public and agency involvement; arbitrate and resolve issues
New York State Department of Transportation (NYSDOT)	State Lead Agency	Manage environmental review process; prepare EIS and decision document; provide opportunity for public and agency involvement; arbitrate and resolve issues
Advisory Council on Historic Preservation	Cooperating Agency	Section 106 National Historic Preservation Act
U.S. Army Corps of Engineers (USACE)	Cooperating Agency	Section 404, Clean Water Act permit Section 10, Rivers and Harbors Act permit
U.S. Department of Interior (DOI)	Cooperating Agency	Section 4(f), U.S. Department of Transportation Act
U.S. Department of Interior, National Park Service (NPS)	Cooperating Agency	Section 6(f), Land and Water Conservation Fund Act approval Section 7, National Wild and Scenic Rivers Act and Genesee River Protection Act approvals
U.S. Environmental Protection Agency (EPA)	Cooperating Agency	Section 309, Clean Air Act Section 404, Clean Water Act National Environmental Policy Act
U.S. Fish and Wildlife Service (USFWS)	Cooperating Agency	Section 7, Endangered Species Act Bald and Golden Eagle Protection Act permit
New York State Department of Environmental Conservation (NYSDEC)	Cooperating Agency	Section 401 Certification, Clean Water Act State Pollutant Discharge Elimination System (SPDES) for construction activities Section 7, National Wild and Scenic Rivers Act and Genesee River Protection Act consultation
State Historic Preservation Officer (SHPO)	Cooperating Agency	Section 106 Consultation, National Historic Preservation Act; Section 4(f), U.S. Department of Transportation Act
New York State Office of Parks, Recreation and Historic Preservation (OPRHP)	Cooperating Agency	Section 6(f), Land and Water Conservation Fund Act; ; Section 4(f), U.S. Department of Transportation Act Construction clearances and approval of improvements within Letchworth State Park
Federal Railroad Administration (FRA)	Cooperating Agency	Consultation
Surface Transportation Board	Participating Agency	Consultation
Genesee Transportation Council	Participating Agency	Consultation
Livingston County	Participating Agency	Consultation
Wyoming County	Participating Agency	Consultation
Town of Genesee Falls	Participating Agency	Consultation
Town of Portage	Participating Agency	Consultation

## 1.7 SECTION 106 COORDINATION

Section 106 of the National Historic Preservation Act (NHPA; 36 CFR Part 800) requires federal agencies to consider the effects of their undertakings on historic properties that are listed in or meet the eligibility criteria for listing in the National Register of Historic Places. Participants in the Section 106 process include the SHPO, the Advisory Council on Historic Preservation (ACHP), federally recognized Tribal Nations, other Consulting Parties, and the public. Individuals and organizations with a demonstrated interest in the Project may participate as Consulting Parties (subject to federal lead agency approval) due to the nature of their legal or economic relationship to the Project or affected historic properties, or their concern with the Project's effects on historic properties. The Project is being reviewed in accordance with Section 106.

On March 7, 2014, the Section 106 Finding Documentation and Preliminary Draft Memorandum of Agreement (MOA) were distributed to the Section 106 Consulting Parties for this Project. The Consulting Parties were given until April 8, 2014 to provide written comments. On March 20, 2014, NYSDOT and FHWA held a Consulting Party meeting to seek and consider the views of Consulting Party members regarding the Project's potential effects on identified historic properties and to consider input on possible measures to avoid, minimize, or mitigate adverse effects. In consultation with the SHPO, NYSDOT and FHWA considered all Consulting Party comments received by April 8, 2014. **Appendix C** to this DEIS contains the Section 106 documentation for this Project.

## 1.8 DRAFT SECTION 4(f) EVALUATION

Section 4(f) of the USDOT Act of 1966 (49 USC § 303; 23 CFR § 774) prohibits FHWA from approving any program or project that requires the "use" of (1) any publicly owned parkland, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; or (2) any land from a historic site of national, state, or local significance (collectively, "Section 4(f) properties"), unless there is no feasible and prudent avoidance alternative to the use of such land and the action includes all possible planning to minimize harm to the park, recreation area, wildlife refuge, or historic site resulting from such use; or it is determined that the use of the property, including measures to minimize harm, will have a *de minimis* impact on the property.

One Section 4(f) property, Letchworth State Park, would be permanently used for the Project. Letchworth State Park qualifies for protection under Section 4(f) as a public park and historic property that is listed on the S/NRHP. As discussed in Chapter 5 of the DEIS, no feasible or prudent alternative exists to the use of Letchworth State Park; therefore, measures have been developed in accordance with Section 106 to minimize harm to contributing resources to the park's historic character, as discussed above. In addition, the following measures will be implemented to minimize harm to Letchworth State Park's recreational features:

- By placing the new bridge close to the existing bridge (approximately 75 feet to the south, measured from center line to center line of the railroad right-of-way), the Project would minimize the amount of parkland that must be acquired to accommodate the shift in the railroad right-of-way.
- Norfolk Southern will convey to OPRHP approximately 2.33 acres of its right-of-way, for permanent incorporation into Letchworth State Park in place of the 1.95 acres of parkland that would be permanently used by the Project.
- Park features that would be used during construction will be restored. This includes a segment of Park Road, the Highbridge Parking Area, and the southern trailheads for the Mary Jemison Trail and the Gorge Trail. As part of the Project, the segment of Park Road that would be affected will be reconstructed to address ongoing erosion that has occurred near the existing rail bridge. The Highbridge Parking Area will be rebuilt in a new location. As

part of the Project, the parking area will be increased in size, to accommodate additional park visitors, and would include stormwater management features.

- The Project will provide funding to OPRHP for improvements to the Castile Entrance to the park, to upgrade the entrance booth there and increase vehicular capacity. This would allow the Castile Entrance to better serve traffic diverted from the Portageville Entrance during construction and would be a permanent enhancement to park facilities following completion of the Project.
- The Project will provide funding to OPRHP for restoration of a portion of Gorge Trail outside of the Project area.
- The selection of an arch bridge structure for the new bridge will minimize the potential for adverse visual effects, by eliminating piers and supports from the river, and will enhance the view of natural park features through the gorge.
- Visual effects will be minimized through the selection of an appropriate, earth-tone paint color, and the use of drape netting on areas of newly exposed rock to control erosion in a way that is not visually intrusive.
- To mitigate for loss of trees in the new right-of-way, the former right-of-way converted to parkland will be revegetated through a tree planting program. Other areas disturbed during construction would also be replanted with native vegetation.

## **1.9 SECTION 6(f) COORDINATION**

The federal Land and Water Conservation Fund (LWCF) Act (16 USC §§ 460l-4 to 460l-11, but commonly referred to as “Section 6(f),” as the provision was originally contained in Section 6(f)(3) of the LWCF Act, Public Law 88-578 of 1962, before codification) established the LWCF State Assistance Program, a nationwide program for funding the acquisition and development of public outdoor recreation resources. As set forth in the statute and its implementing regulations (36 CFR Part 59), property that is acquired or developed with LWCF assistance must be retained and used for public outdoor recreation. Any property so acquired and/or developed cannot be wholly or partly converted to other than public outdoor recreation uses without the approval of the National Park Service (NPS) pursuant to Section 6(f)(3) of the LWCF Act and the implementing regulations. Letchworth State Park has received such funding and therefore approval from the NPS is required for the conversion of any portion of the park to non-outdoor recreation use.

The Project would require the permanent use of small areas of land, adjacent to the current railroad right-of-way, that are currently part of the park. This land is proposed to be permanently converted from outdoor recreation use. In addition, the Project requires the extended temporary use of another small area for a construction easement. A total of approximately 2.33 acres would be converted from parkland for the Project, including approximately 1.95 acres to be acquired by Norfolk Southern to become a permanent part of the railroad right-of-way, and an additional 0.38 acres of parkland to be used for the duration of construction (i.e., a conversion of more than six months) and then returned to the park once construction is complete. According to the NPS Program Manual, use of parkland for more than six months will not be considered temporary, and will require provision of replacement property pursuant to Section 6(f). In accordance with the requirements of Section 6(f), Norfolk Southern will transfer approximately 2.33 acres of land that is part of the current railroad right-of-way associated with the configuration of the existing bridge to OPRHP. This land would be available when construction is complete and at that time will become part of Letchworth State Park.

## **1.10 PUBLIC PARTICIPATION**

Public participation is a critical component of the NEPA and SEQRA processes, as well as other parallel processes, including Project reviews in accordance with Section 106 of the National Historic Preservation Act and Section 4(f) of the U.S. Department of Transportation Act. In addition to the agency coordination efforts, FHWA, NYSDOT, and Norfolk Southern have engaged and will continue to engage members of the public through various meetings and other forums. Public input received during preparation of the previous SEQRA DEIS will be considered during the NEPA process. Opportunities for public review have included and will include the following:

- Public outreach for previous SEQRA process, including a 30-day public comment period, a DEIS public comment period, and a public hearing on the SEQRA DEIS;
- A Project website to provide information to the public about the Project;
- Public outreach for NEPA, including a scoping meeting and a public hearing on the NEPA DEIS;
- Outreach through and meetings with the Project's Citizens' Advisory Committee; and
- Outreach to and meetings with stakeholders: federal, state, and local agencies, elected officials, and business and community groups.

## **1.11 CONTACT INFORMATION**

For further information regarding this document, please visit the Project website at <https://www.dot.ny.gov/portagevillebridge> or contact:

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